

**ORDINANCE No. 184511**

\*Pay claim of Priscilla Seaborg involving the Bureau of Environmental Services (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Priscilla Seaborg has filed a property damage lawsuit against the City for damages suffered in a sewer pipe failure involving the Bureau of Environmental Services on November 25, 2008.
2. The lawsuit has been investigated by Risk Management Services. The investigation indicates there is risk the City may be found liable. Therefore, in order to avoid the risk of an adverse jury award, we feel it is prudent to compromise the lawsuit at this time.
3. Risk Management Services recommends the lawsuit be compromised for the total sum of \$105,000, subject to the claimant providing the City with a release in a form to be approved by the City Attorney.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to draw and deliver a check in the amount of \$105,000 made payable to Priscilla Seaborg and Hollis McMilan, her attorney.
- b. Risk Management Services will execute a payment authorization in the amount set forth in sub-paragraph (a) above. (\$50,000 from the City's Insurance and Claims Fund, and \$55,000 from BES Capital Projects Fund 600000 / Account 563300 / Project #E10275).

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

APR 13 2011

Mayor Sam Adams

Prepared by Randy Stenquist

Date prepared: March 25, 2011

**LaVONNE GRIFFIN-VALDE**

Auditor of the City of Portland

By



Deputy

- 345 -

Agenda No. **184511**  
**ORDINANCE NO.**  
Title

\* Pay Claim of Priscilla Seaborg Involving the Bureau of Environmental Services (Ordinance)

APR 08 2011

<b>INTRODUCED BY</b> Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED _____
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By: <u>Anderson</u> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	<b>ACTION TAKEN:</b>
Bureau: <u>AB</u> OMF/Risk Management Services Bureau Head: Jeff Baer, Director BIBS <u>KW</u> Kate Wood, Risk Mgr	
Prepared by: Randy Stenquist Date Prepared: March 25, 2011	
Financial Impact Statement <u>X</u> Completed ___ Amends Budget ___ Not Required	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. ___ Yes <u>X</u> No	
Council Meeting Date April 13, 2011	
City Attorney Approval	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time:  Total amount of time needed: (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	